

Message Text

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11

ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12 ACDA-19

AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 NSF-04 OMB-01 TRSE-00 RSR-01 /231 W

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R 290529 Z MAR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 7214

UNCLAS USUN 1092

E. O. 11652: N/ A

TAGS: PBOR, UN

SUBJ: LOS: WORKING GROUP 2 OF SUBCOMMITTEE III, 11 TH

MEETING, 27 MARCH

1. CONTINUED DISCUSSION OF GLOBAL AND REGIONAL COOPERATION
(ITEM 4 OF COMPARATIVE TABLE).

2. SPAIN ENVISAGED THREE TYPES OF ARTICLES ON SUBJECT,
8. E. (I) COOPERATION IN ADOPTING INTERNATIONAL NORMS AND
PRINCIPLES (FAVOR AUSTRALIAN PRINCIPLES (B) AND (C),
(II) COOPERATION OF STATES TO CONTROL MARINE POLLUTION
WHICH HAS TAKEN PLACE (FAVOR CANADIAN ART. IX AND USSR
ART.5), (III) COOPERATION IN RESEACH RELATED TO POL-
LUTION (USSR ART . 4 (1)). KENYA AGREED WITH SPANISH
SUGGESTION.

3. AUSTRALIA AND CANADA WERE PREPARED TO USE TERM
QTE SHALL, UNQTE RATHER THAN QTE SHOULD UNQTE IN
REFERRING TO STATE COOPERATION.

4. CANADA EXPLAINED ART. IX (MINIMIZATION), WHICH IT
DESCRIBED AS DEALING WITH PRACTICAL MEASURES SHORT OF
UNCLASSIFIED

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INTERVENTION (WHICH IS DEALT WITH IN ANOTHER ARTICLE).

SPAIN AND FRANCE SUPPORT ARTICLE AND DO NOT WANT CONCEPT

OF STATE RESPONSIBILITY BROUGHT UP IN THAT REGARD.

5. MALTA AND US REMARKED ON INCLUDING COOPERATION WITH INTERNATIONAL INSTRUCTIONS AND NOT JUST WITH STATES.

6. US DEL NOTED THAT REGIONAL ARRANGEMENTS MENTIONED BY SEVERAL STATES (ESPECIALLY DUTCH AND FRENCH) COULD NOT BE BINDING ON NON- PARTIES TO ARRANGEMENTS, ALTHOUGH NON- PARTIES SHOULD TAKE NOTE OF SUCH ARRANGEMENTS HE RAISED ISSUE OF WHEN TO DISCUSS WHETHER STATES ARE SATISFIED WITH INTERNATIONAL MEASURES TO PREVENT POLLUTION. SUBJECT COULD BE DISCUSSED NOW OR LATER, WITH NO OBJECTIONS, HE THEN ADDRESSED ISSUE OF ADEQUACY OF INTERNATIONAL STANDARDS. HE SAID INTERNATIONAL STANDARDS GENERALLY DO NOT EXIST WITH RESPECT TO LAND- BASED SOURCES OF POLLUTION. OCEAN DUMPING CONVENTION MAY BE FIRST STEP. THAT SOURCE IS NOT CENTRAL TO WORK OF COMMITTEE. INTERNATIONAL MINIMUM STANDARDS FOR SEABED SOURCES ARE NEEDED WITHIN AND BEYOND (NATIONAL CONTROL STATE RESOURCES MANAGEMENT JURISDICTION. HE EXPRESSED NEED FOR EXPERT FORUM TO ELABORATE SUCH STANDARDS AND SUGGESTED ISRA. IMCO HAS TAKEN LEAD RE VESSEL SOURCE POLLUTION. VESSEL SOURCE POLLUTION IS OF TWO TYPES: ACCIDENTAL AND INTENTIONAL OPERATIONAL DISCHARGES. HE REVIEWED WORK OF IMCO IN BOTH REGARDS. IMCO' S ACHIEVEMENTS ARE QUITE DISTINGUISHED CONSIDERING THE ONLY RECENT INTEREST OF STATES IN MARINE POLLUTION. SOME STATES WANT MORE DONE. WHILE IT IS NOT KNOWN WHAT 1973 IMCO CONFERENCE WILL ACCOMPLISH, IMCO IS CAPABLE OF DEALING WITH PROBLEM. HE STRESSED INTERNATIONAL STANDARDS ARE NEEDED FOR UNIFORMITY. HE NOTED COASTAL STATE STANDARDS WOULD NOT PROTECT COASTAL STATE SINCE POLLUTION FROM EVENTS OFF ANOTHER STATE WOULD AFFECT IT. COASTAL STATE APPROACH WOULD BE THE FUNCTIONAL EQUIVALENT OF ESTABLISHING A TERRITORIAL SEA REGIME OVER NAVIGATION BEYOND THAT AREA. COASTAL STATE APPROACH BECAUSE OF COMPETITIVE FACTORS WOULD BE AN IMPEDIMENT TO POLLUTION CONTROL SINCE THE RESULT WOULD BE A LOWERING OF STANDARDS.

7. CANADA AGREED WITH MUCH OF U. S. DEL' S STATEMENT UNCLASSIFIED

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HE STRESSED IMPORTANCE OF INTERNATIONAL RULES AND STANDARDS. RE: LANDBASED SOURCES, NATIONAL AND BILATERAL ARRANGEMENTS ARE A REASONABLE START. RE: SEABED SOURCES HE AGREED WITH US BUT WOULD NOT NOW GIVE INTERNATIONAL AUTHORITY POWER TO LEGISLATE WITHIN NATIONAL JURISDICTION. RE: SHIP POLLUTION, IMCO IS THE LOGICAL LEAD AGENCY. HOWEVER, GROUND RULES OF IMCO (TO DATE) ARE INADEQUATE BECAUSE THEY GENERALLY ENSURE COMMERCIAL INTERESTS OVERRIDE ENVIRONMENTAL CONCERNS.

UNDER LOS UMBRELLA TREATY IMCO ROLE WILL BECOME MORE ACTIVE AND CONSTRUCTIVE. HE EXPRESSED CONCERN THAT SPECIAL CIRCUMSTANCES NOT COVERED IN IMCO TREATIES AND THE INTERNATIONAL COMMUNITY CANNOT ACT EXPEDITIOUSLY (IMCO IS NOT A LAW- MAKING BODY AS SUCH). THEREFORE, THEIR PROPOSAL PERMITS COASTAL STATE TO ACT WHEN NECESSARY, WHICH RIGHT IS BALANCED WITH INTERNATIONAL INTERESTS.

8. U. S. DEL RESPONDED THAT IF STATES ARE DISSATISFIED WITH IMCO, THEY CAN PARTICIPATE IN 1973 IMCO CONFERENCE AND DO SOMETHING INTERNATIONALLY.

THE PROBLEM OF COASTAL STATE STANDARDS IS THAT UNDER INTERNATIONAL LAW, ONE STATE CANNOT DISPOSE OF ANOTHER'S INTERESTS IN A VITAL WAY. IF CANADA IS INTERESTED IN EXPEDITIOUSNESS FOR COPING WITH POLLUTION, WITH RESPECT TO SEABED EXPLOITATION, ISRA OFFERS AN ANSWER.

9. AUSTRALIA CAUTIONED NOT TO ASSUME AN EITHER/ OR SITUATION. HOW FAR AND HOW QUICKLY CAN WE GO IN DEVELOPING AN INTERNATIONAL SYSTEM OF RULES? HE CONCLUDED THAT IT WOULD BE DIFFICULT TO GOVERN THE WHOLE WORLD UNDER ONE SYSTM OF UNIVERSAL RULES. WE MUST CONSIDER COASTAL STATE MEASURES IN THE ABSENCE OF ADEQUATE INTERNATIONAL RULES. THAT DOES NOT IMPLY A TERRITORIAL SEA. THERE WOULD BE DISPUTE SETTLEMENT TO TEST THE " REASONABLENESS" OF THE COASTAL STATE MEASURES AGAINST THE INTERNATIONAL STANDARDS AVAILABLE. (CANADA AGREED WITH AUSTRALIAN REMARKS).

10. JAPAN NOTED IMCO WORK DESERVES ATTENTION. EVEN UNCLASSIFIED

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THOUGH IMCO WORK NOT CONSIDERED ADEQUATE BY SOME, IT IS NO EXCUSE FOR UNILATERA

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Message Attributes

Automatic Decaptioning: X
Capture Date: 02 APR 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 29 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN01092
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: USUN NY
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730347/abqcdxyw.tel
Line Count: 148
Locator: TEXT ON-LINE
Office: n/a
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 10 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10-Sep-2001 by maustmc>; APPROVED <30-Jan-2002 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: WORKING GROUP 2 OF SUBCOMMITTEE III, 11 TH MEETING, 27 MARCH
TAGS: PBOR, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005